

Self-Service Center HOW TO ASK THE COURT TO APPOINT A CONSERVATOR OF AN ADULT

USE THIS PACKET if you want to be appointed a conservator for a protected adult. This packet **does not** help you with the following processes:

- Guardianship or conservatorship for minors,
- Temporary or emergency appointments of guardians or conservators for adults,
- Guardians for gravely disabled persons, **OR**
- Guardianship for an adult.

Follow each step carefully. Each step contains certain forms, and some of these forms have extra instruction sheets to help you. The whole process will take at least a couple of months.

FIRST STEPS:

STEP 1 MAKE SURE YOU NEED TO BE APPOINTED AS CONSERVATOR ONLY and NOT AS A GUARDIAN, TOO. If you are not sure, the Self-Service Center has information available describing the different requirements between appointments for conservatorships and guardianships. See the Checklist at the beginning of the forms packet. The Self-Service Center has three separate packets: one for guardians, one for conservators, and one for both guardians and conservators.

2 COMPLETE THE COURT FORMS IN THIS PACKET: Fill out all the forms completely and in **black ink**.

- **PROBATE COVER SHEET.** Complete everything but the “Case Number.” The case number will be stamped with a Probate Case Number starting with the letters “**PB**” by the Clerk of the Court when you file the papers. You will use this case number on all court papers after you file the papers with the clerk.
- **PETITION FOR APPOINTMENT OF CONSERVATOR** (With Request for Appointment of Attorney and Court Investigator/Visitor). Fill out all the information carefully and notify the people entitled to know about this matter. If you have questions about who is entitled to notice, see the Self-Service Center Packet on **Service**, then read the document called **INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIPS AND CONSERVATORSHIPS**.
 - A. Appointment of Attorney:** A PETITION FOR APPOINTMENT OF A CONSERVATOR must include a request for the court to appoint a lawyer who will represent the person you say needs the conservator or if the person already has a lawyer, you must include the name and address of the lawyer in the Petition. Otherwise, you need to call the Office of Court Appointed Counsel, 602-506-7437, after you file the court papers to get the name of a lawyer who will do this.
 - B. Appointment of Court Investigator.** The court will take care of this appointment.
 - C. AFFIDAVIT OF PERSON TO BE APPOINTED (ARS §14-5106(A)).** This document must be completed by the Petitioner (the person who wants to be appointed conservator) and filed with the PETITION FOR APPOINTMENT.

- 3 COPIES:** Make **3 copies** of all the completed forms. Assemble the copies so that you have **4 complete packets** -- the originals and 3 sets of copies.
- 4 OTHER PAPERS:** Complete the following forms and make one copy of each form. Keep the originals and copies together for later use.

Note: These forms are not filed with the Clerk, but you will need them later to schedule a court hearing.

- **PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR.** This document provides all the important information to the Court Investigator so that the case will not be delayed.
- **INSTRUCTIONS AND REQUEST FOR HEARING DATE.** This is the form to get the hearing date set at a time you can attend. After filing all the other papers, you will take this form to Probate Court Administration to get the hearing date set at a time you can attend.

TO FILE THE PAPERS AT THE COURT:

- STEP 5 DETERMINE WHERE TO FILE THE COURT FORMS:** There are 2 locations of the Superior Court in Maricopa County: the Downtown Location in Phoenix, and the Southeast Court for persons who live in Mesa, Tempe, Chandler, Gilbert, and Apache Junction to the southern border of the Salt River bed. Persons who live in Scottsdale must file papers in the Courthouse in downtown Phoenix. Depending on where you live, select the site to file the first court papers. Please keep in mind that any court hearings will be conducted at the downtown Phoenix location.

Phoenix:	125 W. Washington, 1st Floor, Phoenix, Arizona 85003
North Phoenix:	18380 N. 40 th St., Phoenix, Arizona 85032
Mesa:	222 E. Javelina, 1st Floor., Mesa, Arizona 85210
Surprise:	14264 West Tierra Buena Lane, Surprise, Arizona 85374

- 6 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED:** Take the **original and 3 copies** of the following documents **to the Clerk of the Court, Probate Registrar, first floor in both Phoenix and Mesa**, for processing:
 - PROBATE COVER SHEET
 - PETITION FOR APPOINTMENT OF CONSERVATOR (with Request for Appointment of Attorney and Court Investigator/Visitor), **AND**
 - AFFIDAVIT OF PERSON TO BE APPOINTED (A.R.S. §14-5106(A))
- 7 PAY YOUR FILING FEE:** The filing fee is **\$206.00 plus \$350.00 fee for Probate Court Investigator service**. Payment is made to the **Clerk of the Court, Probate Registrar**. If you think a fee deferral is appropriate, ask the probate clerk or the staff at the Self-Service Center for an Application for Fee Waiver or Deferral before you file your Petition.
- 8 NOTE YOUR "PB" CASE NUMBER:** The Clerk will file the **originals**, and stamp the copies for you with the case number and proof that you filed the originals. The case number always starts with the initials **"PB."** You must use this number on every paper you file with the court from now on.

TO GET THE COURT HEARING DATE SCHEDULED:

STEP 9 TO GET A COURT HEARING DATE: Go to Probate Court Administration (1st floor in Phoenix, 2nd floor in Mesa). Give them the **conformed copies** of the 3 packets of forms the clerk at Probate Registrar just gave you:

- PROBATE COVER SHEET,
- PETITION FOR APPOINTMENT OF CONSERVATOR (with Request for Appointment of Attorney and Court Investigator/Visitor), **AND**
- AFFIDAVIT OF PERSON TO BE APPOINTED (A.R.S. §14-5106(A))

Note: The Clerk at Probate Registrar will give you back the 3 sets of conformed copies. After you give 2 sets of the conformed copies to staff at Probate Administration, you should have one set of conformed copies for yourself if you followed the instructions in **Step 3**.

Also bring the **original and one copy** of these forms:

- PETITIONER'S INFORMATION SHEET TO COURT INVESTIGATOR. Staff will take -the original and copy of these forms, **AND**
- INSTRUCTIONS AND REQUEST FOR HEARING DATE. Staff will return one of these to you.

10 HOW YOU WILL GET THE COURT HEARING DATE: Court Administration will schedule the hearing: date, time, place, and judicial officer. Staff will give you back a copy of the INSTRUCTIONS AND REQUEST FOR HEARING DATE form, with the information highlighted with a colored marking pen for you. Be sure you keep this important document!

TO GET THE NAME AND ADDRESS OF A COURT-APPOINTED LAWYER:

STEP 11 WHO TO CALL AND WHAT TO SAY: The person you say needs a conservator must have a lawyer. If there is no lawyer already representing him or her in this matter, you must arrange for a court-appointed lawyer by telephoning the **Office of Court-Appointed Counsel (OCAC), 602-506-7437, between 8:00 A.M. and 5:00 P.M., Monday through Friday**. Be prepared to give the following information:

- Request the name of a lawyer who will be appointed in an Adult Conservatorship matter,
- The PB case number,
- The name of the person who needs a conservator and the address and phone number where that person is currently living, **AND**
- The date and time of the scheduled court hearing and the name of the Judge or Commissioner who will be hearing the matter.

To Get the Order Appointing Attorney and Court Investigator/Visitor. This step is not always required if you are only applying for a conservatorship, but it depends on the Judge/Commissioner who hears your case, and the circumstances of the case.

STEP 12 COMPLETE THE FORM “ORDER APPOINTING ATTORNEY AND COURT INVESTIGATOR/VISITOR”: Now that you have all the information, complete the form except for the date and Judge’s/Commissioner’s signature. The Court Investigator’s name does not need to be written in, just write “court investigator”.

13 GIVE THE ORDER TO THE PROBATE REGISTRAR: Mail or hand-deliver the **original and 1 copy** of the ORDER APPOINTING ATTORNEY AND COURT INVESTIGATOR/VISITOR with the name of the attorney (court-appointed or private) to the Probate Registrar at the court location where your case was filed.

You must also include the **copy** of the REQUEST FOR HEARING form you received from Court Administration. Include a 9" x 12" self-addressed stamped envelope with you so the Probate Registrar can mail a copy of the Order to you after it is signed. You must do this at least **30 days before** the scheduled court hearing date.

14 HOW YOU WILL GET A SIGNED “ORDER APPOINTING THE ATTORNEY AND COURT INVESTIGATOR/VISITOR”: The Probate Registrar will sign the Order and mail you a copy of the Order so you can proceed with the next step called NOTICE OF HEARING which involves giving Notice to **all** interested persons.

15 NEXT STEP: Now you are ready to give notice of the court papers and the hearing to everyone who is entitled to know about the court case before the hearing date. There are important procedures and time lines for this which you must follow. These are described in the Self-Service Center Packet Part 2: ***Service and Notice of Court Hearing.***

16 OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys.” Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list shows where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.

**ALL FORMS REFERRED TO IN THESE INSTRUCTIONS
ARE AVAILABLE AT THE SELF-SERVICE CENTER.**